

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVOLUTIONARY INTELLIGENCE, LLC,

Plaintiff,

v.

SPRINT NEXTEL CORPORATION, et
al.,

Defendants.

AND RELATED ACTIONS

Case Nos. 13-04513, 13-04201, 13-04202, 13-04203, 13-04204, 13-04205, 13-04206, 13-04207, 13-03587

**ORDER DIRECTING REASSIGNMENT
OF RELATED CASES AND DENYING
MOTION TO CONSOLIDATE.**

Re: Dkt. No. 240

Before the court is plaintiff Evolutionary Intelligence, LLC's motion to consolidate nine presently related actions solely for the purposes of resolving plaintiff's pending motion for relief from judgment. Defendants have filed a statement of non-opposition. Having reviewed plaintiff's motion and carefully considered its arguments and the relevant legal authority, and good cause appearing, the court here by rules as follows:

1. As they have already been related, the Clerk of Court is directed to reassign the following actions to the undersigned judge: Evolutionary Intelligence, LLC v. Yelp, Inc., No. 5:13-cv-03587-RMW; Evolutionary Intelligence, LLC v. Apple, Inc., No. 5:13-cv-04201-RMW; Evolutionary Intelligence, LLC v. Facebook, Inc., No. 5:13-cv-04202-RMW; Evolutionary Intelligence, LLC v. Foursquare Labs, Inc., No. 5:13-cv-04203-RMW; Evolutionary Intelligence, LLC v. Groupon, Inc., No. 5:13-cv-04204-RMW; Evolutionary Intelligence, LLC v. Millennial Media, Inc., No. 5:13-cv-04206-RMW; Evolutionary Intelligence, LLC v. Twitter, Inc., No. 5:13-cv-04207-RMW (together, with the above-captioned

1 action and Evolutionary Intelligence, LLC v. Livingsocial, Inc., No. 4:13-cv-
2 04205-PJH, the "Related Actions").

- 3 2. Plaintiff's motion to consolidate is DENIED. Though only filed in the above-
4 captioned action, plaintiff's motion seeks to consolidate the Related Actions for
5 the sole purpose of ensuring that the court's order on the pending motion for
6 relief from judgment will apply to each of the Related Actions. The previously
7 assigned judge has already found consolidation of the Related Actions
8 inappropriate. See Dkt. No. 153. Moreover, plaintiff's purpose in filing the
9 motion may be accomplished without consolidation.
- 10 3. The court hereby deems plaintiff's motion to consolidate and motion for relief
11 from judgment filed in the above-captioned action to have been filed in each of
12 the Related Actions. This order and the court's order on plaintiff's motion for
13 relief from judgment shall apply to each of the Related Actions.
- 14 4. To perfect the record, the parties shall file in each of the Related Actions all
15 briefing and supporting papers related to plaintiff's motion to consolidate and
16 motion for relief from judgment.

17 **IT IS SO ORDERED.**

18 Dated: April 11, 2019



PHYLLIS J. HAMILTON
United States District Judge